

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CAROL A. BRENNAN, individually
and on behalf of herself and all others
similarly situated

and

ANTHONY COLINO, individually
and on behalf of himself and all others
similarly situated

and

COURTNEY BELLOMO, individually
and on behalf of herself and all others
similarly situated

Plaintiffs

vs.

COMMUNITY BANK, N.A.

Defendant

CLASS ACTION

NO. 13-CV-02939 (Judge Mannion)

**PLAINTIFFS' RENEWED MOTION FOR PRELIMINARY
APPROVAL OF AMENDED CLASS ACTION SETTLEMENT**

Pursuant to Fed. R. Civ. P. 23, Plaintiffs Carol A. Brennan, Anthony Colino and Courtney Bellomo, renew their Motion for Preliminary Approval of an amended class action settlement and to certify the matter as a class action for purposes of settlement. Plaintiffs ask the Court to permit and approve the issuance of notice to the putative Class Members. As part of the preliminary approval process, Plaintiffs ask that they be designated as Class Representatives and that the law firms of Flitter

Lorenz, P.C., Kelley Polishan & Solfanelli, LLC and Barrett Wylie, LLC be designated as Class Counsel.

A copy of the Amended Agreement of Settlement together with proposed Class Notice, Election Form and forms of Order is being filed herewith.¹

Plaintiffs withdraw the previous Motion for Preliminary Approval dated January 5, 2015 (Doc. No. 72) and Brief in Support dated January 20, 2015 (Doc. No. 76). The essential settlement terms are the same except that this Amended Agreement calls for Community Bank to presumptively waive any auto deficiency claimed unless a Class Member elects not to accept the debt waiver or opts-out of the Class Settlement. The format of Class Notice and Election Form have also been modified.

Pursuant to Local Rule 7.5, a brief in support of this Motion shall be filed within fourteen (14) days.

Respectfully submitted:

Dated: 3/25/15

/s/ Cary L. Flitter

CARY L. FLITTER

THEODORE E. LORENZ

¹ Movants' counsel has been advised that counsel for Plaintiff Nicole Urban from the case of *Urban v Community Bank, N.A.*, Docket No. 14-cv-1039 is not prepared to approve this amended settlement and wishes to change certain previously agreed upon terms. Urban is therefore not a party hereto, however the entirety of the *Urban* putative class is subsumed within the *Brennan* class.

ANDREW M. MILZ
FLITTER LORENZ, P.C.
450 N. Narberth Avenue, Suite 101
Narberth, PA 19072
(610) 822-0782

EUGENE C. KELLEY
TIMOTHY POLISHAN
KELLEY POLISHAN &
SOLFANELLI, LLC
259 South Keyser Avenue
Old Forge, PA 18518
570-562-4520

M. SCOTT BARRETT
BARRETT WYLIE, LLC
(*Admitted Pro Hac Vice*)
Showers Plaza - P.O. Box 5233
320 West 8th Street - Suite 100
Bloomington, IN 47407-5233
(812) 334-2600

Attorneys for Plaintiffs and the Class

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CAROL A. BRENNAN, individually
and on behalf of herself and all others
similarly situated

and

ANTHONY COLINO, individually
and on behalf of himself and all others
similarly situated

and

COURTNEY BELLOMO, individually
and on behalf of herself and all others
similarly situated

Plaintiffs

vs.

COMMUNITY BANK, N.A.

Defendant

CLASS ACTION

NO. 13-CV-02939 (Judge Mannion)

CERTIFICATE OF SERVICE

I, CARY L. FLITTER, certify that I caused a true and correct copy of the foregoing Plaintiff's Renewed Motion for Preliminary Approval of Amended Class Action Settlement to be served via ECF, upon the following:

Jonathan B. Fellows, Esquire
Suzanne O. Galbato, Esquire
BOND, SCHOENECK & KING, PLLC
One Lincoln Center
Syracuse, NY 13202

Jane T. Smedley, Esquire
Joseph E. Kluger, Esquire
HOURIGAN, KLUGER & QUINN, P.C.
600 Third Avenue
Kingston, PA 18704

Attorneys for Defendant, Community Bank, N.A.

A copy of this Motion with attachments shall also be sent this date, by email
to:

Howard Rothenberg, Esquire
HERLANDS & ROTHENBERG
240 Penn Avenue
P.O. Box 269
3rd Floor
Scranton, PA 18501
hrlaw01@gmail.com

Richard Shenkan, Esquire
SHENKAN INJURY LAWYERS
6550 Lakeshore Drive
West Bloomfield, MI 48323
rshenkan@shenkanlaw.com

Counsel for Non-Party Nicole Urban

Date: 3/25/15

/s/ Cary L. Flitter
CARY L. FLITTER